



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 W. JACKSON BLVD**

**CHICAGO, IL 60604**

US EPA RECORDS CENTER REGION 5



475644

**MEMORANDUM**

**SUBJECT:** Action Memorandum: Request for Approval of a Removal Action at the Central Transport Spill ER Site (SSID # C54F) located in Romulus, Wayne County, Michigan

**FROM:** Jon Gulch, On-Scene Coordinator  
Emergency Response Section 2

**THRU:** Jaime Brown, Acting Chief  
Emergency Response Section 2

**TO:** Jason H El-Zein, Chief  
Emergency Response Branch 1

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document approval of the selected removal action taken at the Central Transport ER site located in Romulus, Wayne County, Michigan 48174 (site) and a ceiling amount not to exceed \$7,658. This response action was necessary to mitigate the immediate threat to public health, welfare, and the environment posed by the release of dye containing a hazardous substance on public roadways, among other areas. On September 9, 2014, Branch Chief Jason El-Zein verbally approved funding to initiate the response.

This Action Memorandum, if approved, will serve as authorization for expenditures by the Environmental Protection Agency (EPA), as the lead technical agency, for actions described herein that were taken to abate the imminent and substantial endangerment posed by hazardous substances at the site. The response actions were conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC 9604(a)(1), and 40 CFR Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to abate the immediate threats posed to public health and/or the environment.

The presence of unsecured hazardous substances present at the site required that this action be classified as an emergency removal action that necessitated EPA's quick response. The project was completed in two on-site working days.

There are no nationally significant or precedent setting issues associated with the site. The site is not on the National Priorities List (NPL).

## **II. SITE INFORMATION**

### **A. Site Description**

Site Name: Central Transport ER Site

Superfund Site ID: C54F

CERCLIS ID: MIN000505562

Location: 28420 Highland Road, Romulus, Wayne County, Michigan 48174

Latitude: 42.2366, Longitude: -83.3192

Category: Emergency Response

NRC Number: 1094865

Removal Start Date: September 9, 2014

### **B. Site Background**

#### **1. Removal site evaluation**

The response action taken mitigated threats by properly removing the red dye containing a hazardous substance from a parking lot located on Central Transport's property and from roadways located near, but not on Central Transport's property, thus, reducing the threat. Due to the poor quality and lack of completeness of the cleanup performed by a contractor hired by Central Transport, the Potentially Responsible Party (PRP), EPA initiated a removal action to remove the threat of release of a hazardous substance to navigable waterways posed by an uncontrolled release. This response action was conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9604(a)(1).

#### **2. Physical location and Site characteristics**

The site consists of a private property located at 28420 Highland Road, Romulus, Wayne County, Michigan 48174 and surrounding public roads; Latitude: 42.2366, Longitude: 83.3192.

The neighborhood surrounding the site is zoned commercial with drainage leading to the Sloss and Ganong Drain, which is a tributary to the Sexton and Kilfoil Drain, Ecorse River, Detroit River and Lake Erie.

An Environmental Justice (EJ) analysis for the Site was conducted. Screening of the surrounding area used Region 5's EJ Screen Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Region 5 has reviewed environmental and demographic data for the area surrounding the site at 28420 Highland Road, Romulus, Wayne County, Michigan and determined there is a low potential for EJ concerns at this location.

3. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant.

The dye that was spilled onto the ground and into the storm sewer system at the site and surrounding public roadways contained a CERCLA hazardous substance (urea, CAS# 57-13-6).

### **III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

#### **A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants.**

The Romulus Fire Department and Michigan Department of Environmental Quality (MDEQ) requested assistance from EPA after Central Transport spilled red dye onto its parking lot, that spread into its retention pond and storm sewer system, and onto adjacent public roadways. The dye contained a hazardous substance (urea) that had the potential to negatively affect wildlife, change the color of the waterway, and potentially negatively impact several drinking water intakes that are in the Detroit River and Lake Erie. According to information found on-line by an EPA Risk Assessor, the urea in the red dye also had the potential to increase the likelihood of algae production in downstream receiving waters, including Lake Erie. In addition, although Central Transport hired a contractor to clean up the spill, the contractor used a bleach solution to remove the red dye solution from the concrete/blacktop in the parking lot area without completely stopping the runoff of bleach solution and red dye from entering the storm sewer system.

#### **B. Check applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:**

The conditions at the site presented a substantial threat to the public health or welfare, and the environment, and met the criteria for a time-critical removal action as provided for in the NCP, 40 CFR 300.415(b)(2). These criteria include, but are not limited to, the following:

X Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].

The dye was found in Central Transport's retention pond, storm sewer system and on adjacent public roadways. Due to a large rain event on September 10, 2014, some of the water with dye in the retention pond and storm sewer system entered a tributary to the Detroit River. Had the dye not been removed from the parking lot and public roadways, a

greater volume of dye with urea would have continued to move through the storm sewer system and into nearby waterways. Continued unimpeded movement through the area could also have spread the dye onto additional roadways and further into the environment by local road traffic.

The dye containing urea poses a threat to wildlife and water quality and can be irritating to the skin, eyes, and the respiratory tract. Urea can also cause algal blooms to produce toxins. Oxidation of urea by nitrifying bacteria can increase biological oxygen demand. In addition, the PRP's contractor was utilizing a bleach solution to remove the dye from the parking lot, which had the potential to introduce ammonia to the storm sewer system, retention pond, and waterways.

Urea is a hazardous substance under CERCLA and the Superfund Amendments and Reauthorization Act (SARA), Title III and the Emergency Planning and Community Right to Know Act (EPCRA).

X Actual or potential contamination of drinking water supplies or sensitive ecosystems.

Had the dye with urea not been removed by EPA, it would have continued to move through the storm sewer system and continue to discharge into a waterway near the spill location.

X Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release.

The urea dye was left on-site by Central Transport until it made arrangements for the removal of the dye that, unfortunately, were not fully successfully executed.

   High Levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate.

X Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

The urea dye spilled on Central Transport's parking lot spread to its storm sewer system, as well adjacent public roadways. Any rain event would have caused the urea dye to migrate further through the storm sewer system to nearby waterways and from the public roadways onto other roadways. In addition, a large rain event that was anticipated for September 11, 2014 produced a large amount of rain that caused widespread flooding in the Detroit area.

   Threat of fire or explosion.

X The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].

No other Local, State, or Federal agency was in the position or had the resources to independently implement an effective response action. On September 9, 2014, the site was referred to EPA by the Romulus Fire Department.

#### **IV. ENDANGERMENT DETERMINATION**

Given the site conditions, the nature of the known hazardous substances on-site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response actions selected in this Action Memorandum, may have presented an imminent and substantial endangerment to public health, or welfare, or the environment.

## **V. SELECTED REMOVAL ACTIONS AND ESTIMATED COSTS**

### **A. Situation and Removal Actions to Date**

#### **1. Current Situation**

Removal is complete.

#### **2. Removal activities to date**

Central Transport hired a consultant and contractor to remove the majority of the red dye containing urea from the parking lot, storm sewer system and retention pond prior to the large rain event on September 11, 2014. Stephens Environmental was the consultant hired by Central Transport to oversee the on-site clean-up work performed by a separate cleanup contractor hired by Central Transport (Marine Pollution Control). Due to a lack of work accomplished by Central Transport's contractor and/or consultant, EPA mobilized the Emergency and Rapid Removal Service (ERRS) contractor to remove the red dye from the public roadway near the site. The EPA removal action, which included removing the concentrated red dye from the public roadways, took two on-site working days to complete.

All hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal were treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

These response actions did not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

#### **3. Enforcement**

Where the responsible parties are known, an effort shall be made, to the extent practicable, to determine whether they can and will reimburse EPA for the costs of the removal action that it conducted regarding the site.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$12,059.76<sup>1</sup>.

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<sup>1</sup>Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 27, 2008. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any

Direct Costs	+	(Indirect Costs)	= Estimated EPA Costs for a Removal Action
(\$7,658.45)		[(57.47) x (\$7,658)]	\$12,059.76

For administrative purposes, information concerning the enforcement strategy for this site is contained in the Enforcement Confidential Addendum.

## B. Planned Removal Actions

### 1. Proposed action description

The response actions described in this memorandum directly addressed actual or potential releases of hazardous substances on-site, which may have posed an imminent and substantial endangerment to public health, or welfare, or the environment. Specific removal activities included:

- 1) Developing and implementing a site Health and Safety Plan;
- 2) Removing red dye containing urea from the public roadways;
- 3) Performing documentation of contamination on the private parking lot, public roadway, on-site retention pond, and off-site tributary to the Detroit River; and
- 4) Characterizing, removing, and properly disposing of waste containers in accordance with EPA's Off-Site Rule (40 CFR § 300.440).

EPA conducted the removal action in a manner not inconsistent with the NCP. The OSC initiated planning provisions for post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. Removal for off-site disposal of chemical containers has eliminated the need for post removal site control.

The threats posed by uncontrolled substances considered hazardous meet the criteria listed in NCP § 300.415(b)(2), and the response actions proposed herein were consistent with any long-term remedial actions which may be required. Elimination of hazardous substances, pollutants and contaminants that posed a substantial threat of release eliminated substantial requirements for post-removal site controls.

### 2. Contribution to remedial performance

The proposed actions, to the extent practicable, contributed to the efficient performance of any long-term remedial action at the site.

### 3. ARARs

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rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

Removal Actions conducted under CERCLA are required to attain applicable or relevant and appropriate requirements (ARARs) to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted. EPA complied with all ARARs of Federal and State laws to the extent practicable considering the emergency exigencies of the circumstances.

4. Project Schedule

These activities required approximately two on-site working day to complete.

C. Estimated Costs

REMOVAL ACTION PROJECT CEILING ESTIMATE	
<b>Extramural Costs:</b>	\$ 4,158
Regional Removal Allowance Costs:	
Cleanup Contractor Costs	
Other Extramural Costs Not Funded from the Regional Allowance: START	\$ 3,500
<b>Subtotal</b>	<b>\$ 7,658</b>
<b>Total Removal Project Ceiling</b>	<b>\$ 7,658</b>

\*EPA direct and indirect costs, although cost recoverable, do not count towards the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

An Independent Government Cost Estimate is included in Attachment 3.

**VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

Given the conditions at the site including the nature of the hazardous substances and pollutants or contaminants documented on site, the potential exposure pathways to nearby populations described in Sections II, III and IV above, and the actual or threatened release of hazardous substances and pollutants or contaminants from the site, failing to take or delaying action may have presented an imminent and substantial endangerment to public health, welfare or the environment by increasing the potential that hazardous substances would have been released, thereby threatening the adjacent population and the environment.


**VII. OUTSTANDING POLICY ISSUES**

None.

**VIII. Approvals**

This decision document represents the selected removal action for the Central Transport ER Site (SSID # C54F) located in Romulus, Wayne County, Michigan, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision is based on the administrative record for the site (Attachment 1).

Conditions at the site meet the NCP Section 300.415(b)(2) criteria for a removal action and through this document, I am approving the proposed removal actions. The total project ceiling, if approved will be \$7,658, of which an estimated \$4,158 was used for cleanup contractor costs. You may indicate your approval by signing below.

APPROVE:  DATE: 3/27/15  
Jason H. El-Zein, Chief  
Emergency Response Branch 1

DISAPPROVE: \_\_\_\_\_ DATE: \_\_\_\_\_  
Jason H. El-Zein, Chief  
Emergency Response Branch 1

#### Enforcement Addendum

Attachments      1.      Administrative Record Index  
                         2.      Detailed Cleanup Contractor Estimate and Independent  
                                      Government Cost Estimate

cc:      Sherry Fielding, U.S. EPA, 5104A  
                 (fielding.sherry@epa.gov)  
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**NOT RELEVANT TO SELECTION  
OF REMOVAL ACTION**

**ENFORCEMENT ADDENDUM**

**HAS BEEN REDACTED – THREE PAGES**

**ENFORCEMENT CONFIDENTIAL**

**NOT SUBJECT TO DISCOVERY**

**FOIA EXEMPT**

**NOT RELEVANT TO SELECTION**

**OF REMOVAL ACTION**

**ORIGINAL**  
**March 26, 2015**  
**SEMS ID:**

13

**ATTACHMENT 2**

**DETAILED CLEANUP CONTRACTOR ESTIMATE**

**AND**

**INDEPENDENT GOVERNMENT COST ESTIMATE**

**HAS BEEN REDACTED – TWO PAGES**

**NOT RELEVANT TO SELECTION**

**OF REMOVAL ACTION**